

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KIRK DAHL, ET AL., Individually and
on Behalf of All Others Similarly Situated,

Plaintiffs

v.

CIVIL ACTION NO.:
07-12388-EFH

BAIN CAPITAL PARTNERS, LLC, ET AL.,

Defendants.

ORDER

March 26, 2009

HARRINGTON, S.D.J.

The court allows Warburg Pincus LLC's Renewed Motion to Dismiss (Docket No. 180). Plaintiffs allege that Warburg Pincus participated in the Aramark and Neiman Marcus transactions. Warburg Pincus has been released from all claims arising from or related to the Aramark transaction pursuant to the Court's Order of November 19, 2008, and allegations against Warburg Pincus therefore remain only as to the Neiman Marcus transaction. This Court's Memorandum and Order of December 15, 2008 makes clear that allegations involving only one (1) transaction are not sufficient to plead a Sherman Act § 1 case. Dahl v. Bain Capital Partners, LLC, 589 F. Supp. 2d 112, 118-19 (D. Mass. 2008). Since the remaining allegations relate to only one transaction, the pleadings against Warburg Pincus as they stand now lack what is necessary for a Sherman Act § 1 case. Warburg Pincus shall no longer be a defendant to this suit.

Warburg Pincus LLC's Renewed Motion to Dismiss (Docket No. 180) is ALLOWED.

SO ORDERED.

/s/ Edward F. Harrington
EDWARD F. HARRINGTON
United States Senior District Judge